

**State of California
Office of Administrative Law**

In re:
Secretary of State

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections: 20180, 20181, 20182

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**

OAL Matter Number: 2022-1018-01

**OAL Matter Type: Certificate of Compliance
(C)**

This certificate of compliance by the Secretary of State makes permanent the emergency regulations that establish notice requirements concerning the prohibition of electioneering and activity related to the corruption of the voting process.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: November 30, 2022



**Nicole C. Carrillo
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Dr. Shirley N. Weber, Secretary
of State**

Copy: Robbie Anderson

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

CERT

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2022-0719-01	REGULATORY ACTION NUMBER 2022-1018-01C	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

NOV 30 2022

3:26 PM

OFFICE OF ADMIN. LAW
2022 OCT 18 PM 3:06

AGENCY WITH RULEMAKING AUTHORITY
SECRETARY OF STATE

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2022, 30-Z	PUBLICATION DATE 7/29/2022

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Notices Re Prohibition of Electioneering and Corruption of Voting Proc		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0211-01(E), 2022-0823-02(EE)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 20180, 20181 and, 20182	
TITLE(S) 2		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Other (Specify) _____		<input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Robbie Anderson		TELEPHONE NUMBER 916-216-6488	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) aanderso@sos.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

Susan Lapsley
TYPED NAME AND TITLE OF SIGNATORY
Sysan Lapsley, Deputy Secretary of State

10/18/2022

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 30 2022

Office of Administrative Law

**California Secretary of State
Proposed Emergency Regulatory Action:
Notices Regarding Prohibition of Electioneering and
Corruption of the Voting Process
(Certificate of Compliance)**

Final Proposed Regulation Text (Changes to Emergency Regulations)

Title 2. Administration
Division 7. Secretary of State
Chapter 3.7 Voting Locations

Article 1. Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process

20180. Providing Notice on Electioneering

- (a) To ensure that voters, interested persons, and members of the public are aware of the prohibition of electioneering and its related penalties, county elections officials must provide public notice.
- (b) The Secretary of State shall provide notice to the public as follows:
 - (1) Posting conspicuously on the Secretary of State's internet website.
 - (2) Including the notice in the state voter information guide.
- (c) County elections officials shall provide notice to the public as follows:
 - (1) Posting conspicuously on the county elections official's internet website.
 - (2) Posting conspicuously at all buildings that contain a polling place (including an election official's office or a satellite location) and any outdoor site (including a curbside voting area and a vote-by-mail ballot drop box) at which a voter may cast or drop off a ballot.
- (d) The notice to the public shall be as follows:

**“WARNING:
ELECTIONEERING PROHIBITED!
Violations can lead to fines and/or imprisonment.**

WHERE:

- Within the immediate vicinity of a person in line to cast their ballot or within 100 feet of the entrance of a polling place, curbside voting, or ballot drop box the following activities are prohibited.

WHAT ACTIVITIES ARE PROHIBITED:

- **DO NOT** ask a person to vote for or against any candidate or ballot measure.
- **DO NOT** display a candidate's name, image, or logo.

- **DO NOT** block access to or loiter near any ballot drop boxes.
- **DO NOT** provide any material or audible information for or against any candidate or ballot measure near any polling place, vote center, or ballot drop box.
- **DO NOT** circulate any petitions, including for initiatives, referenda, recall, or candidate nominations.
- **DO NOT** distribute, display, or wear any clothing (hats, shirts, signs, buttons, stickers) that include a candidate's name, image, logo, and/or support or oppose any candidate or ballot measure.
- **DO NOT** display information or speak to a voter about the voter's eligibility to vote.

The electioneering prohibitions summarized above are set forth in Article 7 of Chapter 4 of Division 18 of the California Elections Code."

(e) In the event the county elections official does not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notice provided in section (d), the county elections official, at a minimum, must include the following:

**"WARNING:
ELECTIONEERING PROHIBITED!
Violations can lead to fines and/or imprisonment.**

For additional information on the prohibitions of electioneering, please visit our website at (insert county website address here)."

(f) The format of the notice prescribed in section (d) may be modified based upon the needs of the county elections official.

(g) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

*Note: Authority cited: Section 18372, Elections Code; Section 12172.5, Government Code.
Reference cited: 52 U.S.C. Section 21083; Sections 18370, 18371, and 18372, Elections Code.*

20181. Providing Notice on Activity Relating to Corruption of the Voting Process

(a) To ensure that voters, interested persons, and members of the public are aware of activities that constitute corruption of the voting process and the related penalties, county elections officials must provide public notice.

(b) The Secretary of State shall provide notice to the public as follows:

- (1) Posting conspicuously on the Secretary of State's internet website.
- (2) Including the notice in the state voter information guide.

(c) County elections officials shall provide notice to the public as follows:

- (1) Posting conspicuously on the county elections official's internet website.
- (2) Posting conspicuously at all buildings that contain a polling place (including an election official's office or a satellite location) and any outdoor site (including a curbside voting area and a vote-by-mail ballot drop box) at which a voter may cast or drop off a ballot.

(d) The notice to the public shall be as follows:

California Secretary of State – Proposed Emergency Regulatory Action
Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process
Final Text of Proposed Regulations – Changes to Emergency Regulations

**“WARNING:
CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations can lead to fines and/or imprisonment.**

WHAT ACTIVITIES ARE PROHIBITED:

- **DO NOT** commit or attempt to commit election fraud.
- **DO NOT** provide any sort of compensation or bribery to, in any fashion or by any means induce or attempt to induce, a person to vote or refrain from voting.
- **DO NOT** illegally vote.
- **DO NOT** attempt to vote or aide another to vote when not entitled to vote.
- **DO NOT** engage in electioneering; photograph or record a voter entering or exiting a polling place; or obstruct ingress, egress, or parking.
- **DO NOT** challenge a person’s right to vote or prevent voters from voting; delay the process of voting; or fraudulently advise any person that they are not eligible to vote or is are not registered to vote.
- **DO NOT** attempt to ascertain how a voter voted their ballot.
- **DO NOT** possess or arrange for someone to possess a firearm in the immediate vicinity of a polling place, with some exceptions.
- **DO NOT** appear or arrange for someone to appear in the uniform of a peace officer, guard, or security personnel in the immediate vicinity of a polling place, with some exceptions.
- **DO NOT** tamper or interfere with any component of a voting system.
- **DO NOT** forge, counterfeit, or tamper with the returns of an election.
- **DO NOT** alter the returns of an election.
- **DO NOT** tamper with, destroy, or alter any polling list, official ballot, or ballot container.
- **DO NOT** display any unofficial ballot collection container that may deceive a voter into believing it is an official collection box.
- **DO NOT** tamper or interfere with copy of the results of votes cast.
- **DO NOT** coerce or deceive a person who cannot read or an elder into voting for or against a candidate or measure contrary to their intent.
- **DO NOT** act as an election officer when you are not one.

EMPLOYERS cannot require or ask their employee to bring their vote by mail ballot to work or ask their employee to vote their ballot at work. At the time of payment of salary or wages, employers cannot enclose materials that attempt to influence the political opinions or actions of their employee.

PRECINCT BOARD MEMBERS cannot attempt to determine how a voter voted their ballot or, if that information is discovered, disclose how a voter voted their ballot.

The prohibitions on activity related to corruption of the voting process summarized above are set forth in Chapter 6 of Division 18 of the California Elections Code.”

(e) In the event the county elections official does not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notice provided in section (d), the county elections official, at a minimum, must include the following:

**“WARNING:
CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations can lead to fines and/or imprisonment.**

For additional information on what constitutes corruption of the voting process, please visit our website at (insert county website address here).”

(f) The format of the notice prescribed in section (d) may be modified based upon the needs of the elections official.

(g) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

*Note: Authority cited: Section 18504, Elections Code; Section 12172.5, Government Code.
Reference cited: 52 U.S.C. Section 21083; Sections 18500, 18501, 18502, 18503, 18504, 18520, 18521, 18522, 18523, 18524, 18540, 18541, 18542, 18543, 18544, 18545, 18546, 18547, 18548, 18560, 18561, 18562, 18562.5, 18563, 18564, 18564.5, 18565, 18566, 18567, 18568, 18569, 18570, 18571, 18572, 18573, 18573.5, 18574, 18575, 18576, 18577, and 18578, Elections Code.*

20182. Combined Notice on Vote-by-Mail Ballot Drop Boxes Relating to Electioneering and Activity Relating to Corruption of the Voting Process

(a) In the event county elections officials do not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notices provided in Sections 20180(d) and 20181(d), county elections officials, at a minimum, must include the following:

**“WARNING:
ELECTIONEERING AND CORRUPTING THE VOTING PROCESS IS
PROHIBITED!
Violations can lead to fines and/or imprisonment.**

For additional information on what constitutes electioneering and corruption of the voting process, please visit our website at (insert county website address here).”

(b) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

*Note: Authority cited: Section 18372, Elections Code; Section 12172.5, Government Code.
Reference cited: 52 U.S.C. Section 21083; Sections 18370, 18371, and 18372, Elections Code.*